

DISCLOSURE AND CONSISTENCY OF COST ACCOUNTING PRACTICES

- (a) The Contractor, in connection with this contract, shall--
- (1) Comply with the requirements of 48 CFR, Subpart 9904.401, Consistency in Estimating, Accumulating, and Reporting Costs, 48 CFR, Subpart 9904.402, Consistency in Allocating Costs Incurred for the Same Purpose, 48 CFR, Subpart 9904.405, Accounting for Unallowable Costs, and 48 CFR Subpart 9904.406, Cost Accounting Period, in effect on the date of award of this contract as indicated in 48 CFR, Part 9904.
 - (2) (CAS-covered Contracts Only) If it is a business unit of a company required to submit a Disclosure Statement, disclose in writing its cost accounting practices as required by 48 CFR, Subparts 9903.202-1 through 9903.202-5. If the Contractor has notified the Laboratory that the Disclosure Statement contains trade secrets and commercial or financial information which is privileged and confidential, the Disclosure Statement shall be protected and shall not be released outside of the Government or the Laboratory.
 - (3)
 - (i) Follow consistently the Contractor's cost accounting practices. A change to such practices may be proposed, however, by either the Government or the Contractor, and the Contractor agrees to negotiate with the Laboratory the terms and conditions under which a change may be made. After the terms and conditions under which the change is to be made have been agreed to, the change must be applied prospectively to this contract, and the Disclosure Statement, if affected, must be amended accordingly.
 - (ii) The Contractor shall, when the parties agree to a change to a cost accounting practice and the Laboratory has made the finding required in 48 CFR, Subpart 9903.201-6(b), that the change is desirable and not detrimental to the interests of the Government or the Laboratory, negotiate an equitable adjustment as provided in the Changes clause of this contract. In the absence of the required finding, no agreement may be made under this contract clause that will increase costs paid by the United States or the Laboratory.
 - (4) Agree to an adjustment of the contract price or cost allowance, as appropriate, if the Contractor or a subcontractor fails to comply with the applicable CAS or to follow any cost accounting practice, and such failure results in any increased costs paid by the United States or the Laboratory. Such adjustment shall provide for recovery of the increased costs to the United States or the Laboratory together with interest thereon computed at the annual rate of interest established under the Internal Revenue Code of 1986 (26 U.S.C. 6621), from the time the payment by

the United States or the Laboratory was made to the time the adjustment is effected.

- (b) IF THE PARTIES FAIL TO AGREE WHETHER THE CONTRACTOR OR A SUBCONTRACTOR HAS COMPLIED WITH THE APPLICABLE CAS IN PART 9904 OR A CAS RULE OR REGULATION IN PART 9903 AND AS TO ANY COST ADJUSTMENT DEMANDED BY THE UNITED STATES, SUCH FAILURE TO AGREE WILL CONSTITUTE A DISPUTE UNDER THE CONTRACT DISPUTES ACT (41 U.S.C. 601).
- (c) The Contractor shall permit any authorized representatives of the Government or the Laboratory to examine and make copies of any documents, papers, and records relating to compliance with the requirements of this clause.
- (d) The Contractor shall include in all negotiated subcontracts, which the Contractor enters into, the substance of this clause and shall require such inclusion in all other subcontracts of any tier, except that--
 - (1) If the subcontract is awarded to a business unit which pursuant to 48 CFR, Subpart 9903.201 is required to follow all CAS, the clause entitled "Cost Accounting Standards" set forth in FAR 52.250-2, shall be inserted in lieu of this clause; or
- (2) This requirement shall apply only to negotiated subcontracts in excess of \$500,000 where the price negotiated is not based on--
 - (i) Established catalog or market prices of commercial items sold in substantial quantities to the general public; or
 - (ii) Price set by law or regulation; or
- (3) The requirement shall not apply to negotiated subcontracts otherwise exempt from the requirement to include a CAS clause as specified in 48 CFR, Subpart 9903.201-1.